

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-12201-RGS

MARCO COSTA

v.

MASSACHUSETTS PARTNERSHIP CORRECTIONAL HEALTH, et al.

ORDER

December 21, 2017

STEARNS, D.J.

On December 6, 2017, the court dismissed this action without prejudice because plaintiff Marco Costa had failed to pay the filing fee or seek leave to proceed *in forma pauperis*. On December 18, 2017, Costa filed motions for reconsideration and for leave to proceed *in forma pauperis*.

Accordingly:

1. The motion for reconsideration is GRANTED and the Clerk shall reopen this case.

2. The motion for leave to proceed *in forma pauperis* is GRANTED. Pursuant to 28 U.S.C. § 1915(b)(1), the court assesses an initial partial filing fee of \$29.81. The rest of the filing fee, \$320.19, shall be collected in accordance with 28 U.S.C. § 1915(b)(2). The Clerk shall send a

copy of this order to the treasurer of the institution having custody of the plaintiff.

3. The Clerk shall issue summonses and the plaintiff shall serve the summonses, complaint, and this order upon the defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure and Local Rule 4.1.

4. Because the plaintiff is proceeding *in forma pauperis*, he may elect to have the United States Marshals Service (“USMS”) complete service with all costs of service to be advanced by the United States. If so asked by the plaintiff, the USMS shall serve a copy of the summonses, complaint, and this order upon the defendants as directed by plaintiff. The plaintiff is responsible for providing the USMS with all copies for service and for completing a USM-285 form for each party to be served. The Clerk shall provide the plaintiff with forms and instructions for service by the USMS.

5. The plaintiff shall have 90 days from the date of the issuance of the summonses to complete service. Unless otherwise ordered by the court, failure to comply with this directive will result in dismissal of the action.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE